

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ABINGDON DIVISION**

UNITED STATES OF AMERICA)
)
) Case No. 1:04CR00009-001
)
v.) OPINION
)
TRADON MARQUEZ DRAYTON,) By: James P. Jones
Defendant.) United States District Judge
)

Tradon Marquez Drayton, Pro Se Defendant.

The defendant has filed a Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255, alleging that he is entitled to be resentenced under the Supreme Court's recent decision in *Alleyne v. United States*, 133 S. Ct. 2151 (2013). After review of the record, I will summarily deny Drayton's motion without prejudice as successive, pursuant to 28 U.S.C. § 2255(h).

The defendant, Tradon Marquez Drayton, was convicted by a jury in March of 2006 on several charges related to a drug trafficking conspiracy. I sentenced him to a total of 548 months in prison, and the United States Court of Appeals for the Fourth Circuit affirmed the Judgment. *United States v. Drayton*, 267 F. App'x 192 (4th Cir. 2008) (unpublished). I also denied Drayton's later motion under 28 U.S.C. § 2255. *United States v. Drayton*, No. 1:04CR00009, 2010 WL 4136144

(W.D. Va. 2010), *appeal dismissed*, 415 F. App'x 490 (4th Cir. 2011) (unpublished).

This court may consider a second or successive § 2255 motion only upon specific certification from the United States Court of Appeals for the Fourth Circuit that the claims in the motion meet certain criteria. *See* § 2255(h). Because Drayton offers no indication that he has obtained certification from the court of appeals to file a second or successive § 2255 motion, I must dismiss his current action without prejudice.

A separate Final Order will be entered herewith.

DATED: November 18, 2013

/s/ James P. Jones
United States District Judge